

I have practiced law for over 36 years, most of which have been in the area of family law. The majority of my practice is now limited to mediation, arbitration, special master and parenting coordinator (“PC”) assignments. My qualifications in these areas are reflected in the Bio attached hereto.

I understand that a work group was assembled to address certain concerns expressed to Judge Barton about various aspects of Rule 74 of the *Arizona Rules of Family Law Procedure*. The four (4) categories that I understand that were of concern were:

1. PC fees.
2. Lack of recourse/appeal process.
3. Qualifications of PCs.
4. Scope of authority of PCs.

Ironically, Judge Barton has indicated that there were four to six (4-6) complaints filed that were based upon literally hundreds of PC reports. It seems that this is a relatively minor number, and the substantial rewrite of Rule 74 is overkill. Of greater concern is the fact that most of the changes to Rule 74 have little to do with the four (4) topics of concern. For example:

1. The revisions to B add a means for the parties to choose virtually anyone they want to be a PC. I question how the selection of Uncle Bob or the next door neighbor addresses the concerns about PC qualifications.
2. Section E will provide that the PC can request their own reappointment. This potential conflict seems to fly in the face of all of the concerns.
3. The proposed change to Section F limiting advance fees to two (2) hours of work will eliminate most qualified PCs from the marketplace and greatly hamper those that remain. This does not address the fee issue as it was intended. Limiting the PC’s ability to be paid is a far different issue from the stated issue of concern of the client’s ability to pay.
4. The revisions to Section H (while convoluted) actually expand the scope of PCs, and do not address the problems that were presented.

5. Section K requires that the PC notify the Court when speaking with or obtaining documents from third parties. This is an unnecessary layer, and of greater concern is that it will raise the costs of the PC's efforts which is contrary to a stated purpose of the revisions.
6. The new Section N actually removes the requirements for hearings on objections to PC recommendations. This is entirely contrary to the stated purposes of the work group, and eliminates virtually all recourse that a client would have to PC recommendations.

As I understand, the work group was not appropriately representative of attorneys, PCs, mental health professional, and those that deal in this arena on a day-to-day basis. Without their input, any revisions are problematic. Frankly, I would suggest that the proposed revisions be scrapped in their entirety, and that an appropriate committee be formed to address the actual and true concerns.

I have reviewed Rule 74 in great detail, and I have also read the specific comments and concerns written by Annette Burns and sent to you in her correspondence dated March 10, 2015. Rather than reproduce my comments, I direct you to Ms. Burns' comments in which I join completely. Ms. Burns' is extraordinarily well-qualified as a PC, and her comments ring true and accurate. They should be considered and addressed in their entirety.